

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Raymond Tylicki, :
Plaintiff, :
v. : Case No. 2:09-cv-0074
Karen Kyle, et al., : JUDGE MARBLEY
Defendants. :

ORDER

On June 3, 2009, the Court noted that the defendants had never been served with the complaint, and this Court ordered plaintiff to show good cause within ten days why this action should not be dismissed, or face dismissal of this action for failure to make service pursuant to Fed. R. Civ. P. 4(m). Plaintiff has not responded to this order, and the file still does not reflect that service has been made.

Fed. R. Civ. P. 4(m) provides:

If a defendant is not served within 120 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But, if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Because plaintiff has failed to show good cause why service was not made within 120 days, this action is

DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P.
4(m). The Clerk shall enter judgment accordingly.

s/Algenon L. Marbley
Algenon L. Marbley
United States District Judge